

REDMOND PLANNING COMMISSION MINUTES

January 19, 2005

COMMISSIONERS PRESENT: Chairperson Snodgrass, Commissioners Allen, Dunn, McCarthy, Parnell, Petitpas, Querry

STAFF PRESENT: Terry Marpert, Cathy Beam, Judd Black, Redmond Planning Department

RECORDING SECRETARY: Gerry Lindsay

CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chair Snodgrass in the Public Safety Building Council Chambers.

APPROVAL OF THE AGENDA

ITEMS FROM THE AUDIENCE

Mr. Leon Hussy, 12323 - 180th Avenue NE, distributed to the Commission a matrix outlining the Puget Sound Action Team projects done in 2003. He asked about the pilot project previously mentioned by Commissioner Dunn.

Chair Snodgrass said the critical areas update includes a policy in which the city would encourage low-impact development type projects. The word “encourage” as used in the policy leaves the action to the discretion of staff. It could include pilot programs or projects to determine if long-term changes to the regulations or the Comprehensive Plan are merited.

PUBLIC HEARING AND STUDY SESSION

- A. Update of the Natural Environment Sections of Redmond’s Comprehensive Plan and Community Development Guide

Chair Snodgrass declared the public hearing open.

Planner Cathy Beam said two study sessions on the topic are slated for March. She said she plans to provide the Council with an update during February. The Council could be ready to take action in April.

Mr. Bob Yoder, 10019 - 169th Avenue NE, thanked the Commission and staff for their hard work. He submitted written materials for inclusion in the record.

Chair Snodgrass referred to the issue of clearing and grading, Policy NE-50, and commented that the Commission takes the wording "...maintain and update clearing and grading regulations to minimize..." to be mandatory. Mr. Yoder said that satisfies his concern.

Mr. Yoder said he understands the importance of streamlining the permitting process for clearing and grading, but stressed the need for some input from the public when it comes to enforcing the regulations. If cuts and fills, and landmark exceptions, are not spelled out in the noticing, the public will not be fully informed.

Commissioner Parnell asked Mr. Yoder why the pileated woodpecker should be used as measure of habitat connectivity. He answered that the presence of the great blue heron is an indicator of the health of the salmon population. Counting the great blue herons in Redmond is something that could become a community event. The same is true of the pileated woodpecker; it can fly from one corridor to another, but their numbers are an indicator of the health of the corridors.

Chair Snodgrass allowed that because the pileated woodpecker is a protected species under state law, its presence would be a trigger event for the management requirements. The critical area ordinance being recommended will require compliance with management recommendations for any area that contains a protected species. Seeking a permit or land use change would cause the protections to kick in. As such the species will be protected in Redmond. Mr. Yoder allowed that while the state Department of Fish and Wildlife is charged with protecting and perpetuating fish and wildlife species, it has very limited authority over the habitat on which animals depend. Protections are generally achieved through the voluntary actions of landowners and the planning processes of local governments. The pileated woodpecker should be listed as a Species of Local Importance. Such a listing should not generate much conflict for developers.

Commissioner Allen noted that even if the pileated is not listed as a Species of Local Importance in Redmond, it will still be protected under the proposed rules as a state protected species. Any development that involves the species will have to address its presence.

Commissioner Query thanked Mr. Yoder for the compassion he has shown throughout the process. She said his commitment to the city and willingness to address difficult issues is laudable.

Mr. John Morrow, 1617 Boylston Avenue, Suite 201, Seattle, spoke representing the Livable Communities Coalition. He praised the Commission for the many positive changes it is seeking to implement. The elimination of the threshold exemption for wetlands is an excellent recommendation. He said his organization fully supports Alternative 3 as a way to rate buffers. He recommended against allowing any reductions to the mitigation replacement ratios. He asked the Commission to consider extending the prohibition on alterations to Type I wetlands to include Type II wetlands because of their significant ecologic importance. The Commission was urged to take another look at the Department of Ecology standards for riparian corridors buffers; it is clear that such buffers are important and their width bears a direct correlation to their effectiveness. Support was indicated for the Department of Natural Resources (DNR) lettering system for stream typing; locally adopted codes are admirable and for the most part fairly protective, but gaps sometimes occur when there is not consistency with other jurisdictions and

the state. The stream typing system other jurisdictions are planning to adopt should be reconsidered by Redmond. Inclusion of the precautionary principle in the code language, as other jurisdictions have done quite painlessly, would indicate the intent of the city to be as protective as possible.

Commissioner Dunn allowed that the recommended stream classification uses numbers and has an additional category for fish habitat. She asked if it would help at all just to use letters instead of numbers. Mr. Morrow said he is recommending consistency with the state system.

Chair Snodgrass asked which two issues are of most concern to Livable Communities Coalition. Mr. Morrow said he would list stream buffer distances and the stream classification system.

Absent anyone else wishing to address the Commission, Chair Snodgrass declared the public hearing closed and initiated the study session.

Ms. Beam made sure each Commissioner had a copy of an email from Chair Snodgrass regarding language changes related to the issue of low-impact development; an email from Commissioner Parnell with recommended language for the section related to corridors; and information from Commissioner Allen relating to policies and regulations of the wildlife habitat section.

Chair Snodgrass noted that his proposed language revision to move the word “engineering” to follow “technology” does not change either the intent or the effect of Policy NE-X, which Ms. Beam noted will follow Policy NE-9.

Commissioner McCarthy suggested moving the clause “...through incentives and flexibility and application of regulatory requirements...” to the end of the policy to make it read better. His suggestion was accepted.

With regard to adding the pileated woodpecker to the list of Species of Local Importance, Commissioner Petitpas asked what the definition of the category is and what the city’s goal is in listing any such species. Ms. Beam referred to the regulations which reads “Habitats and Species of Local Importance are those identified by the city of Redmond, including those that possess unusual or unique habitat warranting protection because of qualitative species, diversity or habitat system health indicators. The City Council shall formally designate habitats and Species of Local Importance, if any, through the Development Guide Amendment process.” Species added to the list can be culturally or iconically based rather than scientifically based.

Chair Snodgrass allowed that the great blue heron clearly fits the definition because of its habitat needs. There is no need to revise the definition, even though it is rather open-ended, allowing for the possibility of listing nearly any species.

Commissioner Dunn asked what the term “qualitative species diversity” means. Chair Snodgrass suggested that the term refers to a limited population in a given area. Species that are abundant elsewhere may be limited locally, making them candidates for inclusion on the list.

Commissioner Parnell indicated support for having the community annually involved in counting the number of great blue herons or other species that serve as indicators of the health of habitat in the city.

Ms. Beam said she has not encountered a groundswell from the community in favor of listing the pileated woodpecker as a Species of Local Importance. She allowed, however, that the question has not been put directly to the public.

Chair Snodgrass pointed out that the regulations in place do establish certain protections for pileated woodpeckers and their habitat. The policies are adequate. He said he was not particularly supportive of adding the species to the list at the present time. He added that if the species were not otherwise protected by the state he might seriously consider it.

Commissioner Allen reminded the Commission that the issue was previously discussed and voted down.

There was consensus not to add the pileated woodpecker to the list of Species of Local Importance.

With respect to stream typing, Commissioner Allen asked staff to reiterate why Redmond's system should be different. Ms. Beam said the DNR stream typing system was developed for forested rural areas and does not fit perfectly in an urban context. Staff carefully considered the DNR approach. The proposed system for Redmond includes two categories for fish habitat – salmonid potential, non-salmon potential – which together equate to the DNR Category F. The two systems are not quite parallel, but are very close to being consistent in that both cover all of the categories.

Commissioner Parnell questioned whether the fallback position should be to the DNR classification in cases of conflict or ambiguity. Ms. Beam suggested that because a biologist will conduct the study to determine the classification, it is highly unlikely that there would be any ambiguity.

Answering a question asked by Commissioner Allen, Ms. Beam said the King County system is very similar to the DNR system. Snohomish County uses a system that uses numbers instead of letters. Kirkland uses letters, but Bothell and Woodinville use a numbered system.

Commissioner McCarthy said he could see no compelling reason to make a change to the recommendation.

Commissioner McCarthy recognized that the imposition of fines is a punitive action jurisdictions can take when rules are broken, and, taking into account the value of land, suggested that the established fines may not offer enough of a deterrent. He allowed that the Commission may not be the right body to review the fines structure but suggested that someone should.

Chair Snodgrass concurred and said he would like to have a review of the enforcement provisions of the Land Use Code included on the 2006 agenda. Mr. Black allowed that that would be appropriate.

Commissioner Parnell said he would strongly support having a precautionary principle policy in the critical area ordinance as suggested by the Livable Cities Coalition. Ms. Beam said the WAC referenced by the Coalition deals with best available science. It says that when there is an absence of valid scientific information, or where there is incomplete scientific information relating to a jurisdiction's critical areas, leading to uncertainty and possible harm or risk to critical areas, the jurisdiction should follow a precautionary or no-risk approach. Ms. Beam noted that staff would approve of having such a policy in place.

Chair Snodgrass suggested such a policy could be written to read something like "When there is an absence of scientific information, or incomplete scientific information, accompanying an application which affects an environmentally sensitive area, and the land use could lead to harm of the area, or there is uncertainty about the risk, the city should use the following approach: development or land use activities will be strictly limited until the certainty is sufficiently resolved."

Answering a question asked by Commissioner Parnell regarding benchmarking and adaptive management, Ms. Beam allowed that staff is spearheading up a study that will be before the Commission in the near future. Commissioner Parnell suggested that when holes in environmental processes or approaches are uncovered, they should be addressed sooner rather than later.

Chair Snodgrass argued that processes and approaches for non-environmental land use issues are equally important. He said one task staff is charged with is prioritizing the Commission's time. Mandating when fixes are to be addressed could run afoul of other scheduling priorities. Such a policy is not necessary. Commissioner Allen concurred, adding that necessary fixes will to a certain degree be driven by developers.

There was agreement not to add any fast-track policies. There was agreement to add language pertaining to the precautionary principle.

Answering a question asked by Commissioner Dunn, Ms. Beam said while the belief is that the wetland mitigation projects have been fairly successful and as such high replacement or enhancement ratios are not necessarily needed, staff simply does not have the data in hand to be able to scientifically draw that conclusion. Accordingly, the proposal establishes mitigation ratios that match those of the Department of Ecology. Mr. Black said mitigation that involves only adding vegetation to an existing wetland has a much greater probability of success than creating a whole new wetland. Commissioner Dunn said she is comfortable with the proposal.

Commissioner Allen noted that Livable Communities was recommending elimination of the decreased replacement ratio. Commissioner Petitpas pointed out that the Department of Ecology was recommending the same according to Appendix 8(b).

Chair Snodgrass said the program serves as an incentive for improving wetlands. The functions and values are significantly greater, and that is a good thing to encourage.

With regard to the wildlife revisions, Commissioner Allen called attention to (“the many bulleted list, the single policy page, the comment changing it from ‘could’ to ‘will’ because it is my understanding we are going to phase in wetlands and streams and their buffers into the core preservation area as they become identified.”)

Commissioner Dunn proposed dropping either “could” or “will” and have the policy just read “includes.” She thought that might remove some ambiguity. Commissioner Allen concurred with the change.

With regard to (NE-X following NE-82, Commissioner Allen suggested that it may be necessary to get to the regulations before coming back to the policies. She said her understanding was the Commission had agreed that habitat opportunities should be evaluated based on the criteria laid out in the Adolphson report, and that the scoring system would be further delineated in the regulations. Ms. Beam allowed that the scoring could be done in the regulations.

Chair Snodgrass questioned whether that needs to occur at all. There is no requirement to do anything given the unique concept. This policy establishes a goal for the city in allocation of resources and providing incentives to preserve quality habitat opportunities. It would be counterproductive to get tied into anything too specific.

Commissioner Allen said it was her understanding after the last meeting that there was consensus that the performance standards would be mandatory for properties judged to contain quality habitat, absent significant economic impact. If that is to be the case, the habitat will have to be identified with some specificity.

Chair Snodgrass asked if the functional plan approach could be used by saying the director will develop criteria for establishing it without giving it the formality of the Development Guide. Ms. Beam said she tried to address it through the regulations with language saying sites will be qualitatively scored based on several parameters indicative of habitat quality; such parameters are looked at with wildlife anyway. She noted that on page 26 of the regulations document she added “Proposals containing quality habitat opportunities are strongly encouraged to employ fish and wildlife habitat conservation area performance standards as defined in 20b.140.20.080.” She said if the intent is to make it mandatory, the language can be revised.

The Commission agreed to modify language pertaining to Quality Habitat Areas per Commissioner Allen’s suggestion.

Commissioner Dunn said she wanted to ensure there is policy language that both pursues opportunities and addresses the strategy for quality habitat. Ms. Beam said the NE-X after NE-82 could be the policy if worded somewhat stronger. Commissioner Dunn proposed adding another policy addressing quality habitat.

****BREAK****

Commissioner Dunn referred to Policy NE-83 and suggested revising it to read “Design developments, parks and recreation areas to minimize impact to and retain the character of quality habitat areas.” She said she prefers the term “quality habitat areas” over “quality habitat opportunities.” Chair Snodgrass proposed that “...quality habitat opportunities provide some wildlife value...” should read “...quality habitat areas provide significant wildlife value....”

Commissioner Allen proposed language for NE-X reading “Pursue opportunities to preserve quality habitat that extends and connects to core preservation areas.” She said quality habitat should not be confined to just areas adjacent to the corridor. There was agreement on that point.

Commissioner Dunn pointed out that the definition of the species list is housed in the policies, the regulations and the definitions. She suggested removing the two paragraphs following NE-X, retaining the third paragraph, and moving “Species of Concern include” to the sentence that begins with “species protection is identified...” Commissioner Allen stressed the need to include in the text a description of what the priority species are. Ms. Beam said she would add that.

Commissioner Parnell referred to his recommended policy addressing wildlife corridors and proposed revising it to read “Protect and enhance biodiversity in areas throughout the city by protecting the continuity and connectivity of wildlife corridors.” He thought the language could be folded into NE-X following policy NE-84 on page 17.

Commissioner Allen said the textural paragraph following policy NE-80 encompasses the concept outlined by Commissioner Parnell.

Commissioner Parnell suggested modifying his proposed policy language by changing “habitat” to “corridor” in the second line, and “should” to “shall” so it would read “When constructing or improving roads and other public infrastructure that impedes or might impede the transit of wildlife from one corridor or part of a corridor to another, the department shall maintain or restore wildlife corridor connectivity and should work with the state and other public or quasi public agencies to do the same.” He allowed that the language does not include any encouragement for private parties to do the same.

Commissioner Parnell noted that the city is currently talking about widening Avondale Road as it bends around southeast Education Hill. The whole east slope of Education Hill is a wildlife corridor, and the odds of animals being able to successfully cross Avondale once it is widened will decrease. The city should be encouraged by policy to allow for connectivity.

Commissioner Dunn said she could accept having a requirement to mitigate the impact of public projects on corridors through enhancing a different corridor.

Commissioner McCarthy said he could understand the concern as it applies to new projects that will disrupt a corridor. Widening Avondale, however, does not fall into that category, and in fact there are many wildlife corridor disruptions that have been in place for a very long time. It

would be an unfair burden to put the burden on the city to mitigate in ways that are above and beyond the requirements that are mandated.

Commissioner Query concurred, but said she could support such language as it applies to corridor disruptions caused by new projects.

Chair Snodgrass voiced general support for the concept, provided it is scaled way back to directing consideration of wildlife corridors in planning all new projects.

Commissioner Dunn proposed adding the notion as a consideration under the performance standards for quality habitat, provided there is no significant adverse economic impact.

Commissioner Allen said she would not concur with any approach mandating specific action.

Commissioner Dunn proposed limiting the suggestion of Commissioner Parnell to just quality habitat. Commissioner McCarthy said that would miss the point and would be too much regulation. Commissioner Dunn said she would not be comfortable going beyond regulating quality habitat.

Commissioner Petitpas said the issue is covered relatively well by NE-84. She held that and additional sentence could be added regarding large city projects.

Commissioner Query held that NE-84 speaks more to creating corridors, whereas Commissioner Parnell's concern is focused more on destroying corridors. Commissioner Parnell concurred. He said his concern is with anything that bisects a corridor and assuring that when those things occur there is adequate provision for protecting the transit of any wildlife that might move through the corridors. The connection could be a tunnel of some kind or something as small as a culvert.

Commissioner Petitpas suggested that even if the connections are created the wildlife may not use them.

Commissioner Parnell said he would be willing to address the issue by policy but not regulation. Chair Snodgrass said that could be done by adding to NE-84 a sentence reading "Consider wildlife corridors and connections in any city project" or "Consider the impact of any city projects on wildlife corridor connections." There was agreement to move in that direction.

Commissioner Allen asked what buffers are referred to on page 25 of the regulations document. Ms. Beam said statement refers to the entire riparian corridor, including the buffer. She allowed that "or their established buffers" could be taken out if it is too confusing. Commissioner Allen said her concern is that the language implies there is a buffer to the Fish and Wildlife Habitat Conservation Areas. There was agreement to take it out.

Chair Snodgrass called attention to the public project exception under Alteration of Fish and Wildlife Habitat Conservation Areas on page 26 of the regulations document. He said the exception is included in the existing regulations and was passed when a red-tailed hawk nest was discovered in a tree on the site of the Overlake transit center project during construction. At that

time it appeared the required buffers would make the entire project completely infeasible, throwing millions of public dollars away.

Commissioner McCarthy argued that taking the exception out could cause significant problems for other public projects, making it necessary to reinstate the exception.

Chair Snodgrass said he had strong reservations against the provision at the time it was enacted, but voted in favor of it because the transit center project was so important. The exception was put into place to address a single circumstance.

Commissioner Parnell suggested retaining the exception but tagging to it an obligation to purchased an undeveloped area and preserving it as mitigation.

Commissioner Query allowed that if something comes up there is a process in place to change the rules. That process involves the public. Leaving the provision in place will circumnavigate the public process the next time a similar situation is encountered.

Commissioner McCarthy argued in favor of retaining the exception. He said public projects of any magnitude great enough to trigger the exception will involve public debate and scrutiny. Commissioner Parnell concurred.

Chair Snodgrass allowed that the provision does include a qualifying sentence requiring that there be a finding that the public need for the project outweighs the anticipated adverse impacts.

Commissioner Dunn suggested that because the provision would only be applied to Species of Local Importance, which currently holds only the blue heron, there is no longer a need for the provision.

Commissioner Allen agreed that there is no longer a need for the exception and said it is simply not fair to carve out a public exception. The exception should be eliminated.

There was majority support for removing the exception.

Commissioner Dunn referred to the purpose statement for the Fish and Wildlife Habitat Conservation Areas on page 2 of the regulations document and called for language largely repeating the policy language. Ms. Beam thought that would be appropriate.

Commissioner Dunn said the concept of no net loss of function and value should be integrated into the protection strategy for the core preservation areas rather than be a tag line to riparian corridors. Ms. Beam said the no net loss language is in response to the Livable Communities comment, the best approach might be to have it read "...no net loss of core preservation areas, which include riparian..." There was agreement to make that change.

Commissioner Dunn called attention to page 20 of the regulations document and asked what the difference is between riparian habitat areas and riparian stream corridor classifications. Ms.

Beam agreed that because the two are inherently the same the riparian habitat areas could be eliminated.

REPORTS

Principal Planner Terry Marpert informed the Commission that the open house event for the sections of the transportation master plan that deals with zero fare plan financing and the three-year action plan is scheduled for January 20 from 5:00 p.m. to 7:00 p.m. at the Old Redmond Schoolhouse Community Center.

Mr. Marpert said the downtown high capacity transit study will be kicked off soon and will take four to five months to complete. A daytime workshop is slated for March 16 or March 17 and it would be useful to have a Commissioner appointed to attend.

SCHEDULING/TOPICS FOR NEXT MEETING(S)

It was agreed that a meeting should be scheduled for January 26 to continue discussion of the wildlife issue.

ADJOURN

Chair Snodgrass adjourned the meeting at 10:00 p.m.

Minutes Approved On:

Recording Secretary:
